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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**DELIA KIRK,**

CV 05-649-MO

Plaintiff,

vs.

ORDER

**COMMISSIONER of Social Security,**

Defendant.

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Attorney fees in the amount of \$7,438.25 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds this is a reasonable fee. Previously, this court awarded \$6,200.00, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney at **his current address shown above** the balance of \$1,238.25, minus any user fee. Any amount withheld (including the EAJA fee offset) after all administrative and court attorneys fees are paid should be released to the claimant.

DATED this 5<sup>th</sup> day of December, 2008.



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United States District Judge

Presented by:  
/s/ Tim Wilborn, OSB # 94464  
(503) 632-1120  
Attorney for Plaintiff